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Human resources management

Amendments to the Staff Regulations and Rules

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on amendments to the Staff Regulations and Rules (A/70/746). During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 15 March 2016.

2. In his report, the Secretary-General recalls that the General Assembly, having considered the report of the International Civil Service Commission for 2015 (A/70/30), approved a number of changes to the compensation package of staff in the Professional and higher categories in its resolution 70/244 on the United Nations common system. In paragraph 2 of section III of the resolution, the General Assembly decided that, unless otherwise established, the provisions should come into force on 1 July 2016.

3. The Secretary-General explains that to implement the changes relating to accelerated home leave travel (staff regulation 5.3) and the repatriation grant (annex IV to the Staff Regulations), amendments are required to the Staff Regulations. Those amendments require approval by the General Assembly by 30 June 2016.

4. The Advisory Committee was informed, upon enquiry, that additional amendments to the Staff Regulations and Rules would be included in subsequent reports of the Secretary-General to implement decisions of the General Assembly to come into force on 1 January 2017 and 1 January 2018.

5. The Advisory Committee was also informed, upon enquiry, that the amendments to the Staff Regulations were drafted in consultation with the funds and programmes and subjected to a consultative process, as required under staff rule 8.1(h), before being cleared by the Office of Legal Affairs.

* Reissued for technical reasons on 22 March 2016.

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Staff regulation 5.3

6. The Secretary-General proposes amending staff regulation 5.3 as follows:[1]

> Eligible staff members shall be granted home leave once in every twenty-four months. However, **the Secretary-General may grant home leave once in every twelve months to eligible staff members who fulfil specific conditions, as determined by the Secretary-General** ~~in the case of designated duty stations having very difficult conditions of life and work, eligible staff members shall be granted home leave once in every twelve months~~. A staff member whose home country is either the country of his or her official duty station or the country of his or her normal residence while in United Nations service shall not be eligible for home leave.

7. In his report, the Secretary-General states that staff regulation 5.3 is being amended to reflect the decision of the General Assembly, in paragraph 51 of section III of its resolution 70/244, to discontinue accelerated home leave travel, except at D and E category duty stations that do not fall under the rest and recuperation framework. The Secretary-General indicates that the revised criteria for designating the duty stations for accelerated home leave will be set out in a revised administrative instruction and the actual duty stations in an information circular. Duty stations classified as D and E are considered to have the most difficult conditions of life and work, with E having the highest degree of hardship. The Committee understands that the Secretary-General is proposing to delete the term "designated duty stations having very difficult conditions of life and work", as reflected in the text above, because it refers to duty stations with hardship classifications of C, D and E. Upon enquiry, the Advisory Committee was informed that staff members serving in C category duty stations and staff members in D and E category duty stations that fall within the rest and recuperation framework would no longer be eligible for accelerated home leave.

8. **In the view of the Advisory Committee, the proposed amendment does not clearly reflect the specific intention of the General Assembly as set out in paragraph 51 of section III of its resolution 70/244, in which it explicitly decided to discontinue accelerated home leave travel, except at category D and E duty stations that do not fall under the rest and recuperation framework. The Committee therefore considers that the amendment would be clearer and more specific if it provided, for example, that the Secretary-General may grant home leave every 12 months to eligible staff members deployed within designated duty stations having the most difficult conditions of life and work.**

Annex IV to the Staff Regulations

9. The Secretary-General proposes amending annex IV to the Staff Regulations as follows:[1]

> In principle, the repatriation grant shall be payable to staff members **who have completed at least five years of continuous service**, whom the Organization is obligated to repatriate and who at the time of separation are residing, by virtue of their service with the United Nations, outside their country of nationality. The repatriation grant shall not, however, be paid to a staff member who is dismissed. Eligible staff members shall be entitled to a

[1] The amendments are shown in boldface and strikethrough.

repatriation grant only upon relocation outside the country of the duty station. Detailed conditions and definitions relating to eligibility and requisite evidence of relocation shall be determined by the Secretary-General.

Years of continuous service away from home country	*Staff member with a spouse or dependent child at the time of separation*	*Staff member with neither a spouse nor dependent child at the time of separation*	
		Professional and higher categories	*General Service category*
	Weeks of gross salary, less staff assessment, where applicable		
~~1~~	~~4~~	~~3~~	~~2~~
~~2~~	~~8~~	~~5~~	~~4~~
~~3~~	~~10~~	~~6~~	~~5~~
~~4~~	~~12~~	~~7~~	~~6~~
5	14	8	7
6	16	9	8
7	18	10	9
8	20	11	10
9	22	13	11
10	24	14	12
11	26	15	13
12 or more	28	16	14

10. In his report, the Secretary-General indicates that annex IV to the Staff Regulations is being amended to reflect the decision of the General Assembly, in paragraph 39 of section III of its resolution 70/244, to establish a threshold of five years of expatriate service as an eligibility requirement for the repatriation grant.

11. The Secretary-General proposes to provisionally issue an amendment to staff rule 3.19 on the repatriation grant to reflect the new eligibility requirements and to provisionally issue a new staff rule in chapter XIII of the Staff Rules to allow current staff members to retain their eligibility within the current grant schedule up to the number of years of expatriate service accrued at the time of the implementation of the revised scheme. Upon request, the Advisory Committee was provided with the proposed amendments to staff rule 3.19 and proposed new staff rule 13.10. The Committee trusts that the General Assembly will be provided with those amendments at the time of its consideration of the report of the Secretary-General.

12. In its present form, annex IV indicates that the Organization is obligated to repatriate staff members "who at the time of separation are residing [...] outside their country of nationality". **The Advisory Committee considers that, to avoid any ambiguity, the first sentence of annex IV to the Staff Regulations would be clearer if, for example, the text provided that the repatriation grant would be payable, in principle, to staff members who had completed at least five years of qualifying service.**[2]

[2] Amended staff rule 3.19 (v) on the repatriation grant will read: "'Qualifying service' shall mean five years or more of continuous service and residence away from the home country and the country of nationality of a staff member, or the country where the staff member has acquired permanent resident status".